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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,721

08/20/2003

John G. McCarthy

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05/15/2008

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2181

NOTIFICATION DATE

DELIVERY MODE

05/15/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/645,721	Applicant(s) MCCARTHY, JOHN G.	
	Examiner NIKETA I. PATEL	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 2/21/2008, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Alford W. Kindred/

Supervisory Patent Examiner, Art Unit 2163

Alford Kindred.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 8-10 are rejected under 35 U.S.C. 102(e) as being

anticipated by Boucher U.S. Patent Application Publication No.: US

2003/0187908 A1 (hereafter “Boucher”).)

4. Referring to claim 1, Boucher teaches a method comprising: upon

receiving a device command from a first host [figures 1, 4; paragraphs 6, 9 –

“...customer for which a task will be performed...”], i) reserving for the first host a

device targeted by the device command [paragraphs 9, “...obtaining a customer

tag representing a customer ...”, “...priority control tailored to individual

customers...for ...one or more resources....CPU time” and figure 4, paragraph 38

“...resources including (as examples) CPU time, Disk I/O, and Network I/O]; and

ii) setting a reservation time period for expiration of the reservation, the

reservation time period being determined based on a command type of the

device command [paragraph 38-39, “...tables 402 and 404...adding additional

resources, or additional indices such as time of day, and the link...” – i.e.,

reservation time period is determined base on a command type (customer tag of

the task) the device command.]

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5. Referring to claim 8, Boucher teaches the method of claim 1, wherein the device command comprises one of a write command, a rewind command, a read command, a load command, an unload command, and a seek command

[paragraph 6, "...database search..."; paragraph 57, "...read or written..."].

6. Referring to claim 9, Boucher teaches the method of claim 1, wherein the device command comprises a tape device command [paragraph 6, "...search...disk I/O..."].

7. Referring to claim 10, Boucher teaches the method of claim 1, wherein the device command comprises a disk device command [paragraph 6, "...search...disk I/O..."].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher as applied to claim 1 above, and further in view of Ahmad H Tawil, which was submitted by the applicant as part of the IDS filed on 01/10/2005 (hereinafter referred to as "Tawil").

10. Referring to claim 2, Boucher teaches the method of claim 1, however, does not set forth the limitation of further comprising upon receiving a second device command from the first host, resetting the reservation time period. Tawil

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teaches the limitation of resetting the reservation time period [see abstract, 'reservation may be released by issuing a reserve out command'.]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing a host to reset a memory access period in order to meet the demand of the host process by resetting the reserved time period of the memory access. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement resetting the reservation time period to get this advantage.

11. Referring to claim 11, Boucher teaches the method of claim 1, however, does not set forth the limitation of wherein the device command comprises a Small Computer System Interface (SCSI) command. *Tawil* teaches the limitation of using a Small Computer System Interface (SCSI) command [see abstract, SCSI command.]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of using SCSI commands in order to allow faster communication and the ability to daisy chain up to seven different devices. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement Small Computer System Interface (SCSI) command to get this advantage.

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12. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher as applied to claim 1 above, and further in view of Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 (hereinafter referred to as “Cheng”).

13. Referring to claim 3, Boucher teaches the method of claim 1, further comprising: upon receiving a device command targeted to the device from a second host, determining if the device is reserved [paragraph 32, “...resource tracking logs...”; paragraph 34, “...resource usage log...”, paragraph 57, 73 – track resource usage]; however does not set forth the limitation of and if the device is reserved to a host other than the second host, denying the device command from the second host. Cheng discloses this limitation [paragraphs 0044, 0046, 0047, if any resource is not available, the reservation request fails] in order to provide reliable network management system and scheduling of activities.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of Boucher to be able to determine if the device is reserved to a host other than the second host, denying the device command from the second host in order to provide reliable network management system and scheduling of activities. It is for this reason that one of ordinary skill in the art would have been motivated to implement the limitation of determining if the device is reserved to a host other than the second host, denying the device command from the second host.

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14. Referring to claim 4, the combination of Boucher and Cheng teaches the method of claim 3, wherein determining if the device is reserved comprises determining if the reservation time period has expired [Cheng discloses this limitation at column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

15. Referring to claim 5, the combination of Boucher and Cheng teaches the method of claim 3, further comprising if the device is not reserved, executing the device command from the second host [Cheng discloses this limitation at paragraphs 0039, 0046, 0052, Reserve command, starting time and ending time.]

16. Referring to claim 6, the combination of Boucher and Cheng teaches the method of claim 3, wherein the device command from the second host comprises a clear command [Cheng discloses this limitation at paragraphs 0039, 0046, 0052, Release command or Un-schedule.]

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKETA I. PATEL whose telephone number is (571)272-4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272 4037. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niketa I. Patel/
Primary Examiner, Art Unit 2181